

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby rescinds Chapter 120, “Early ACCESS Integrated System of Early Intervention Services,” Iowa Administrative Code, and adopts a new Chapter 120 with the same title.

The sequence and format of new Chapter 120 parallel the pertinent federal regulations under Part C of the Individuals with Disabilities Education Act. As a matter of convenience for Early ACCESS practitioners and families, new Chapter 120 aligns the rules with federal statutory and regulatory changes. The substantive revisions in Chapter 120 include state monitoring and general supervision, timelines for referrals for evaluation and assessment, and the conduct and content of evaluations and assessments. The changes are necessary to allow Iowa to continue to draw down federal Part C dollars and are family-friendly in that they streamline the process by which a family may access services under the chapter for a child under the age of three years.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the February 22, 2012, Iowa Administrative Bulletin as **ARC 0018C**. Public comments were allowed until 4:30 p.m. on March 15, 2012. Two public hearings were held, one on March 13, 2012, and the other on March 15, 2012, and no persons attended. No written or oral comments were received. However, rule 281—120.30(34CFR303) has been revised since publication under Notice to add more specificity to what is meant by “public agency.” Rule 281—120.30(34CFR303) now reads as follows:

“281—120.30(34CFR303) Public agency. As used in this chapter, ‘public agency’ means the lead agency and any other agency or political subdivision of the state. The particular public agency serving each infant or toddler and that infant or toddler’s family shall be determined by the particular Early ACCESS needs of each infant and toddler and pursuant to the interagency agreements established under this chapter. Disputes about which agency will serve a particular infant or toddler shall be resolved by the mechanisms that those agreements contain.”

With the exception of the change noted above, these rules are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement the Individuals with Disabilities Education Act as amended through July 1, 2005, and Part 303 of Title 34 of the Code of Federal Regulations published in the Federal Register on September 28, 2011.

These rules shall become effective May 23, 2012.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 120] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 0018C**, IAB 2/22/12.

[Filed 3/30/12, effective 5/23/12]

[Published 4/18/12]

[For replacement pages for IAC, see IAC Supplement 4/18/12.]